

AMENDED IN ASSEMBLY JANUARY 5, 2004

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1636

Introduced by Assembly Member Kehoe

February 21, 2003

An act to amend Section ~~47606~~ 49558 of the Education Code, relating to ~~charter schools~~ *pupil records*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1636, as amended, Kehoe. Charter school district conversion: approval.

Existing law establishes the confidentiality of an application or record concerning any individual that relates to free or reduced-price meal eligibility which is made or kept by any public officer or agency, with certain exceptions.

This bill would, in addition, permit a local education agency to use information contained on the School Lunch Program application to identify pupils eligible for public school choice and supplemental educational services as required by the federal No Child Left Behind Act of 2001.

~~(1) Existing law authorizes a school district to convert all of its schools to charter schools if certain conditions are met and the petition receives joint approval by the Superintendent of Public Instruction and the State Board of Education.~~

~~This bill would instead require approval only from the county board of education of the county in which the district is located. The bill would~~

~~further provide that any renewal of a petition approved by joint action of the Superintendent of Public Instruction and the State Board of Education prior to January 1, 2004, may be granted only by the county board of education of the county in which the school district is located.~~

~~The bill would further require the petitioner or petitioners, upon approval or renewal of a petition, to provide written notice, as specified, to the State Department of Education and the State Board of Education.~~

~~Because this bill would expand the duties of the county boards of education, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes—no. State-mandated local program: yes—no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 47606 of the Education Code is~~
2 ~~SECTION 1. Section 49558 of the Education Code is~~
3 ~~amended to read:~~
4 49558. (a) All applications and records concerning any
5 individual made or kept by any public officer or agency in
6 connection with the administration of any provision of this code
7 relating to free or reduced-price meal eligibility shall be
8 confidential, and ~~shall~~ may not be open to examination for any
9 purpose not directly connected with the administration of any free
10 or reduced-price meal program, or any investigation, prosecution,
11 or criminal or civil proceeding conducted in connection with the
12 administration of any free or reduced-price meal program.
13 (b) Notwithstanding subdivision (a), a public officer or agency
14 may allow the use by school district employees, who are
15 authorized by the governing board of the school district, of

individual records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of disaggregation of academic achievement data if the public agency ensures the following:

(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.

(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil ~~if not~~, *unless* otherwise allowed by law.

(3) No public release of information regarding individual pupil participation in any free or reduced-price meal program is permitted.

(4) All other confidentiality provisions required by law are met.

(c) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application only to the local agency that determines eligibility under the Medi-Cal program, if the child is approved for free meals and if the applicant consents to the sharing of information pursuant to Section 49557.2.

(d) *Notwithstanding subdivision (a), a local education agency may use information contained on the School Lunch Program application to identify pupils eligible for public school choice and supplemental educational services as required by the federal No Child Left Behind Act of 2001 (P.L. 107-110).*

~~amended to read:~~

~~47606. — (a) A school district may convert all of its schools to charter schools under this part if it meets all of the following conditions:~~

~~(1) Fifty percent of the teachers employed by the school district sign the charter petition.~~

~~(2) The charter petition contains all of the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605 and a provision that specifies alternative public school attendance arrangements for pupils residing within the attendance boundaries of the school district who choose not to attend charter schools.~~

~~(b) Notwithstanding subdivision (b) of Section 47605, the districtwide charter petition shall be approved only by the county board of education of the county in which the school district is located.~~

~~(c) Districtwide charter petitions approved by joint action of the Superintendent of Public Instruction and the State Board of Education prior to January 1, 2004, may be granted renewals only by the county board of education of the county in which the school district is located.~~

~~(d) Upon approval or renewal of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval or renewal, including a copy of the petition, to the State Department of Education and the State Board of Education.~~

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~